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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/658,023	09/08/2003	Christophe Dardaine	GANTOIS1	4046

7590 06/24/2005

Gary M. Cohen, Esq.
Strafford Building Number Three
125 Strafford Avenue, Suite 300
Wayne, PA 19087-3318

EXAMINER

ZIMMERMAN, JOHN J

ART UNIT	PAPER NUMBER
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1775

DATE MAILED: 06/24/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/658,023

Applicant(s)

DARDAINE ET AL.

Examiner

John J. Zimmerman

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 and 2 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1 and 2 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 08 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 20031210.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

FIRST OFFICE ACTION

Priority

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Specification

2. The disclosure is objected to because of the following informalities: The incorporation of material in the specification by reference to a foreign application or patent (e.g. FR 2792559 in paragraph [0002]) is improper. Applicant is required to delete the incorporation or to amend the disclosure to include the material incorporated by reference. The amendment must be accompanied by a statement executed by the applicant, or a practitioner representing the applicant, stating that the material being inserted is the material previously incorporated by reference and that the amendment contains no new matter. 37 CFR 1.57(f). Appropriate correction is requested.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Powers (U.S. Patent 2,945,557), Barron (U.S. Patent 3,296,690), Collier (U.S. Patent 5,205,877), Bruggeman (U.S. Patent 5,029,779) or Goulesco (WO 00/08266).

5. Powers discloses forming an unwoven metal wire screen where each wire intersection is welded (e.g. see Figure 1; column 2, lines 10-21). Regarding the capability of undergoing a manufacturing method involving first forming the part by folding or winding at least one layer over at least one turn and then compressing, the screen of Powers would inherently be capable of such a method since it has the same structure as the metallic cloth disclosed by applicant. Barron discloses forming an unwoven metal wire mesh where each wire intersection is welded (e.g. see Figure 1; column 2, lines 8-30). Regarding the capability of undergoing a manufacturing method involving first forming the part by folding or winding at least one layer over at least one turn and then compressing, the mesh of Barron would inherently be capable of such a method since it has the same structure as the metallic cloth disclosed by applicant. Collier discloses forming an unwoven metal wire screen where each wire intersection is welded (e.g. see claim 1). Regarding the capability of undergoing a manufacturing method involving first forming the part by folding or winding at least one layer over at least one turn and then compressing, the screen of Collier would inherently be capable of such a method since it has the same structure as the metallic cloth disclosed by applicant. Bruggeman discloses forming an unwoven metal wire mesh where each wire intersection is welded (e.g. see claims 1-7). Regarding the capability of undergoing a manufacturing method involving first forming the part by folding or winding at least one layer

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over at least one turn and then compressing, the mesh of Bruggeman would inherently be capable of such a method since it has the same structure as the metallic cloth disclosed by applicant.

Goulesco discloses forming an unwoven metal wire mesh where each wire intersection is welded (e.g. see claim 1). Regarding the capability of undergoing a manufacturing method involving first forming the part by folding or winding at least one layer over at least one turn and then compressing, the mesh of Goulesco would inherently be capable of such a method since it has the same structure as the metallic cloth disclosed by applicant.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

7. Claims 1-2 are rejected under 35 U.S.C. 103(a) as being unpatentable over applicant's disclosure of the prior art in view of Powers (U.S. Patent 2,945,557).

8. Applicant discloses that metallic cloths are typically subjected to compression forming operations in the prior art (e.g. see paragraphs [0002]-[0005]). Applicant discloses that the prior art metallic cloths are known to suffer deficiencies in wire detachment, strength and stability. Applicant's description of the prior art may differ from the claims in that the metallic cloths of the prior art may not be welded at the intersections of the wires. Powers, however, discloses

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forming an unwoven metal wire cloths where each wire intersection is welded (e.g. see Figure 1; column 2, lines 10-21) and then subjecting the cloth to forming operations (e.g. Figure 2). In view of Powers, it would be understood by one of ordinary skill in the art that metallic cloths formed with welded wire intersections are particularly suitable for forming operations. In view of Powers, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use welded metallic cloths for the compressed disclosed prior art metallic cloths because welded wire cloths would be understood by the skilled artisan to be better suited to forming operations. Regarding the use of applicant's description of the prior art in the rejection, it is axiomatic that consideration of the prior art cited by the examiner must, of necessity, include consideration of the admitted state of the art found in applicant's specification, *In re Davis*, 305 F.2d 501, 134 USPQ 256 (CCPA 1962); *In re Hedges*, 783 F.2d 1038, 228 USPQ 685 (Fed. Cir. 1986). Admitted knowledge in the prior art may be used in determining patentability of the claimed subject matter, *In re Nomiya*, 509 F.2d 566, 184 USPQ 607 (CCPA 1975).

Conclusion

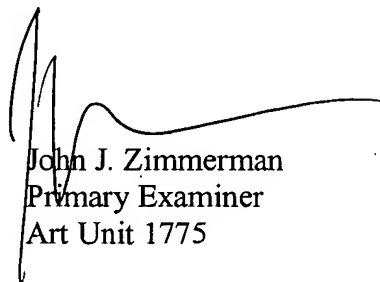
9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The additionally cited references serve to further establish the level of ordinary skill in the art at the time the invention was made.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to John J. Zimmerman whose telephone number is (571) 272-1547. The examiner can normally be reached on 8:30am-5:00pm, M-F. Supervisor Deborah Jones can

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be reached on (571) 272-1535. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

11. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



John J. Zimmerman
Primary Examiner
Art Unit 1775

jjz
June 20, 2005